

APR 19 1993

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of:

Tariff Filing Requirements for  
Nondominant Common Carriers

CC Docket No. 93-36

REPLY COMMENTS OF THE  
AMERICAN PUBLIC COMMUNICATIONS COUNCIL

The American Public Communications Council ("APCC") hereby replies to comments submitted in response to the Commission's Notice of Proposed Rulemaking in this matter, FCC 93-103, released February 19, 1993.

The main controversy raised in the comments concerns the Commission's proposal to allow non-dominant carriers to file maximum rates or ranges of rates in their interstate tariffs. AT&T and a few other parties contend that this proposal is not authorized by the Communications Act. These parties appear to take the position that there is no difference between filing a tariff specifying a range of rates and filing no tariff at all.

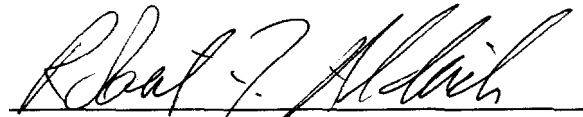
The cases cited by these parties, to the extent they affect the Commission's discretion under the Communications Act, do not deprive the Commission of authority to conclude that -- in the case of a non-dominant carrier -- a range of rates adequately specifies the carriers charges for purposes of Section 203 of the Act. As a number of parties point out, such a policy is authorized by

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Section 203(b)(2)'s provision that "the Commission may, in its discretion and for good cause shown, modify any requirement" of Section 203" (with one qualification which is irrelevant here).  
47 U.S.C. § 203(b)(2).

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Robert F. Aldrich", is written over a horizontal line.

Albert H. Kramer  
Robert F. Aldrich

KECK, MAHIN & CATE  
1201 New York Avenue, N.W.  
Penthouse Suite  
Washington, D.C. 20005-3919  
(202) 789-3400

Attorneys for American Public  
Communications Council

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